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IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY THIRD DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 12549 of 2004

Between:

K.Ananthaiah, s/o K.Kiriti Rao,
A.P.Tribal Welfare Residential Educational Institutions (APTWREI),

Society, Yerragondapalem, Prakasham District.

..... PETITIONER

AND

1. A.P. Tribal Welfare Residential Educational Institutions (APTWREI) Society, (Gurukulam) rep., by its Member Secretary, Telugu Sankshema Bhavan, Masabtank, Hderabad.
2. The Board of Governors, Gurukulam, Telugu Sankshema Bhavan, Masab Tank, Hyderabad.
3. The A.P.Tribal Welfare Residential School, Yerragondapalem, Prakasam District, rep., by its Principal.
4. A.P.Residential Educational Institutions (APREI)Society, Gagan Vihar, Hyderabad, rep., by its Secretary.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction, more particularly one in the nature of writ of mandamus, declaring the proceedings No.RC.No.A1/2463/2004-1, dated 10-7-2004 (received by the petitioner on 17-7-2004), of the first respondent herein, as being arbitrary, illegal, unconstitutional and contrary to Rule - 9(4) of APTWREI Society Recruitment Rules, 1999 and set-aside the same and issue a consequential direction directing the respondents to continue the petitioner in APTWREI Society and pass such other order or orders as the Hon'ble Court deems fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.G.NAGARAJU

Counsel for the Respondents: MR.G.CHANDRAIAH

The Court at the stage of admission, made the following :

ORAL ORDER

The petitioner is a qualified post graduate Teacher in Sanskrit. He was initially appointed as a trained graduate Teacher in Sanskrit in the fourth respondent society. He worked for thee years from 1992 and later he was selected in a direct recruitment as a Post Graduate Teacher in Sanskrit in 1996. Through G.O.Ms.No.51, dated 8-6-98, the fourth respondent society was bifurcated and during that bifurcation, the 1st respondent society was established. The 1st respondent society was established to impart education in tribal areas. After formation of the 1st respondent society, options were called for from the employees, through the proceedings dated 24-5-99. The petitioner and others questioned the said proceedings and ultimately the writ petition filed before the High Court was disposed of on 02-02-2000, directing the petitioner herein to give option within two months as per the draft rules by canceling the earlier option. The petitioner gave option to work with the 1st respondent society and he was absorbed to its services with effect from 23-04-01. The member secretary of the 4th respondent society accepted the option and absorbed in the cadre of Post Graduate Teacher in “Gurukulam” with effect from 23-4-02 and provisional seniority list of Post Graduate Teachers working in tribal society was prepared on 21-02-02, in which the name of the petitioner is at serial number 169. In the final seniority list dated 06.05.2002, the name of the petitioner figured at serial number 173. By the time the petitioner entered into the service of the 1st respondent society, “Sanskrit” was one of the subjects in the respective schools of the fourth respondent, but, since the tribals did not opt for taking “Sanskrit” as one of the subjects, the Sanskrit subject was abolished in the schools of the 1st respondent. But the petitioner was permitted to continue in the services of the 1st respondent to teach “Telugu” through the proceedings dated 27.06.2003. Now the second respondent has taken a decision to repatriate the petitioner to the 4th respondent society in view of abolition of “Sanskrit” as one of the subjects in the schools of the 1st respondent. Subsequently, the petitioner made an application to

the second respondent to consider his request to retain him with the 1st respondent society. But, the second respondent issued proceedings dated 10.07.2004 negativing the request of the petitioner to retain him in the 1st respondent society. The petitioner, being aggrieved by the proceedings, dated 10.07.2004, approached this Court through this writ petition, seeking to declare that the refusal to consider his request to retain him with the 1st respondent, as illegal and arbitrary and requested to set aside the same. The petitioner and thirteen (13) others were transferred by way of repatriation to the 4th respondent society.

The learned counsel for the respondents reported that all other teachers reported to duty before the 4th respondent, but, the petitioner alone came to this Court questioning the proceedings dated 10.07.2004. Since there is no "Sanskrit" subject being taught to the students in the schools of the fourth respondent society, there is every justification to repatriate the petitioner to the 4th respondent society, where the "Sanskrit" is being taught and the request of the petitioner that he shall be retained with the 1st respondent alone without there being a post of "Sanskrit" Teacher, cannot be accepted. I do not find any illegality in the order of repatriating the petitioner to the 4th respondent society, through the proceedings of the second respondent, dated 10.07.2004. There are no grounds to invoke the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India.

The Writ Petition is accordingly dismissed. No order as to costs.

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23rd AUGUST, 2004

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To

1. The Member Secretary A.P. Tribal Welfare Residential Educational Institutions (APTWREI) Society, (Gurukulam)
2. The Board of Governors, Gurukulam, Telugu Sankshema Bhavan, Masab Tank, Hyderabad.
3. The Principal A.P. Tribal Welfare Residential School, Yerragondapalem, Prakasam District.
4. The Secretary, A.P. Residential Educational Institutions (APREI)Society, Gagan Vihar, Hyderabad.
5. Two C.D.Copies